

## REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1-18 are pending in the application.

### Terminal Disclaimer / Double Patenting

Claims 1-18 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being obvious over claims 1-26 of U.S. Patent No. 6,609,148. To expedite the prosecution of this application toward allowance and issue, a terminal disclaimer is submitted herewith. Therefore, withdrawal of the obviousness-type double patenting rejection is appropriate and is respectfully requested. The filing of a terminal disclaimer in this case does not constitute an admission of the propriety of the obviousness-type double patenting rejection. See MPEP § 804.02 and *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

### 35 U.S.C. § 102 & 103 Rejections

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sebesta et al. (U.S. Patent No. 6,324,681, hereinafter “Sebesta”). Applicants respectfully traverse each of these rejections for at least the following reasons.

Regarding claims 1 and 10, the Examiner has rejected these claims as allegedly being unpatentable over Sebesta citing similar arguments to those presented in the parent application, now U.S. Patent No. 6,609,148, which is the subject of the aforementioned Double Patenting rejection. As noted therein, the Examiner has stated that the presently pending claims are of similar scope.

Accordingly, Applicant respectfully submits similar arguments to those made in Applicants' response dated March 6, 2003, in the parent case. Specifically, Applicants respectfully submit that Sebesta does not disclose "converting a plurality of data requests ... into a single higher level request", as claimed. In contrast to Applicants' claimed combinations, Sebesta discloses, in col. 5, lines 44-54, that the request parameters are marshaled into an independent format... and unmarshaled into a format that can be understood by the server (lines 44-51). In Sebesta, there is only one request issued, whose parameters are marshaled. There is no mention of converting a plurality of requests into a high level request.

Sebesta is concerned with solving a different problem, i.e., providing a common interface for different environments (col. 5, lines 50-54). However, Applicants' claimed combinations solve many problems, among which is reducing communication delay (see, e.g., Specification, Par. 86).

The independent claims have been distinguished over the applied prior art reference in the foregoing arguments. Accordingly, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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